REMARKS

Entry and consideration of the foregoing amendments are respectfully requested. New claims 5-8 are identical to claims 5-8 in the parent application. New claims 9-12 are identical to original claims 1-4 except that there is no reference to glass transition temperatures in claims 9-12.

Claims 1-4 were previously rejected in the parent application under 35 U.S.C. §112, second paragraph, because the method and/or conditions of measuring the glass transition temperatures recited in the claims were not disclosed in the application. Reconsideration of this rejection is requested.

The legal standard for determining compliance with the second paragraph of 35 U.S.C. §112, is whether the claims reasonably apprise those of ordinary skill in the art of their scope. See In re Warmerdam, 33 F.3d 1354,1361, 31 USPQ2d 1754,1759 (Fed. Cir. 1994). In determining whether this standard is met, the definiteness of the language employed in the claim must be analyzed, not in a vacuum, but always in light of the teachings of the prior art and of the particular application disclosure as it would be interpreted by one possessing the ordinary level of skill in the pertinent art. In re Johnson, 558 F.2d 1008,1015, 194 USPQ 187,193 (CCPA 1977).

The methods and conditions used to measure the glass transition temperatures of olefin elastomers are well known in this art area. Those of ordinary skill in this art would have no difficulty in selecting suitable conditions in accordance with the type of elastomer being measured. As such, the scope of the claims would be appreciated by those of ordinary skill. This rejection is inapplicable to claim 9-12.

Claims 1, 2, 5 and 6 were previously rejected in the parent application under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 4,634,735 to Thiersault et al. and/or U.S. Patent No. 3,700,614 to Schenkerberg taken with Canadian Patent No. 2099214. Also, claims 3, 4, 7 and 8 were previously rejected under 35 U.S.C. §103(a) as unpatentable over Thiersault et al. '735 and/or Schenkerberg '614 taken with Canadian Patent '214 and further in view of U.S. Patent No. 5,216,095 to Dolle et al., U.S. Patent No. 4,975,403 to Ewen and/or U.S. Patent No. 5,395,810 to Shamshoum et al., further in view of JP 172 507 and U.S. Patent No. 5,218,052 to Cohen et al.

Applicants have previously traversed these rejections by presenting arguments that the combined teachings of all the relied upon documents fail to present a *prima facie* case of obviousness under §103(a). Applicants have also previously submitted Declarations pursuant to 37 C.F.R. §1.132 providing comparative data to show that the presently claimed compositions have superior properties in comparison to the references relied upon in the rejections. For the Examiner's convenience, copies of the Declaration of Mr. Matsunaga dated November 13, 1996, and that of Mr. Mori dated February 16, 1999, are attached.

From the foregoing, early and favorable action are believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his or her earliest convenience.

Respectfully submitted,

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